

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

STEVEN G. MILLETT,	)	
MELODY J. MILLETT,	)	
On Behalf Of Themselves and	)	
All Others Similarly Situated,	)	
Plaintiffs,	)	
	)	
v.	)	C.A. No.: 05-599-SLR
	)	
TRUELINK, INC.,	)	CLASS ACTION
a Trans Union Company,	)	
Defendant.	)	

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF  
MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Plaintiffs, Steven G. Millett and Melody J. Millett, by and through their undersigned attorneys, for their Memorandum in Support of Motion for Leave to File Amended Complaint, state as follows:

1. This action was originally filed in the U.S. District Court for the District of Kansas.
2. On August 9, 2005 this action was transferred to the District of Delaware, pursuant to the request of parties and pursuant to contractual choice of venue and choice of law provisions.
3. Plaintiffs' original complaint and first amended complaint were all stated in terms of Kansas law.
4. Subsequent to the filing of Plaintiffs' first amended complaint, this action was transferred to this Court and, pursuant to that transfer, this action will now proceed under Delaware law.

5. Subsequent to the filing of Plaintiffs' first amended complaint, Plaintiffs have become aware of additional federal statutory authority that applies to the facts of this action.

6. Given the change in applicable law, and Plaintiffs' discovery of new federal statutory authority, Plaintiffs find it necessary to completely redraft their complaint in order to state all of their claims in terms of applicable Delaware and federal law.

7. Plaintiffs do not make this request with the purpose to delay these proceedings or for any other improper purpose.

8. No prejudice will result to Defendant as a result of this amendment.

9. Pursuant to Rule 15(a), leave to amend a complaint "shall be freely given when justice so requires." FED.R.CIV.P. 15(a).

10. Plaintiffs are aware of Local Rule 15.1 which indicates that a motion to amend "shall include a form of the amended pleading which shall indicate in what respect it differs from the pleading which it amends, by bracketing materials to be deleted and underlining materials to be added." However, given the fact that Plaintiffs are completely redrafting their complaint to state their claims in terms of new law, Plaintiffs believe that such a modified version of the amended pleading would only be confusing to the Court and opposing counsel. Therefore, Plaintiffs are only attaching a clean copy of their amended pleading (i.e. a copy without bracketing and underlining) and request that the Court relieve Plaintiffs of the additional duty of producing the bracketed and underlined version.

11. Pursuant to Local Rule 7.1.1, Plaintiffs have conferred with Defendant regarding Plaintiffs' Motion for Leave to File Amended Complaint and Defendant has indicated that it does not object to the granting of Plaintiffs' Motion.

12. A copy of Plaintiffs' Second Amended Complaint is attached hereto as Exhibit "A."

For the reasons stated herein, Plaintiffs respectfully request that this Court enter its Order granting Plaintiffs leave to file their Second Amended Complaint.

Respectfully submitted,

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COUNSEL FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I, Christopher J. Curtin, Esq., hereby certify that on December 6, 2005, I electronically filed the foregoing Motion for Leave to File Amended Complaint with the Clerk of the District Court using CM/ECF, which will send notification of such filing to the following:

William M. Lafferty, Esq.  
Jerry Clyde Harris, Jr., Esq.  
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DATE: December 6, 2005